

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARIEN HOUSER,)
Petitioner,) Civil Action No. 10-0416
v.) District Judge Donetta W. Ambrose
) Magistrate Judge Cynthia Reed Eddy
JEFFREY BEARD, et al,)
Respondents.)

MEMORANDUM ORDER

Plaintiff Darien Houser (“Plaintiff”) is an inmate incarcerated at the State Correctional Institution at Greene (“SCI-Greene”) in Waynesburg, Pennsylvania. Plaintiff filed this cause of action against numerous Defendants on March 29, 2010, alleging claims arising from the Civil Rights Act of 1871, 42 U.S.C. § 1983, the Americans with Disabilities Act, 42 U.S.C. § 12101, and various state tort laws. (ECF No. 4). On August 4, 2010, this case was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the local rules of court.

On December 16, 2011, the Magistrate Judge filed a Report and Recommendation (ECF No. 26) recommending that the case be dismissed with prejudice under Poulis v. State Farm Fire and Casualty Co., 747 F.2d 863 (3d Cir. 1984), *sua sponte*, because of Plaintiff’s repeated failure to comply with the orders of this Court, and his failure to prosecute.

Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until January 4, 2012, to file written objections to the Report and Recommendation. No objections have been filed.

After de novo review of the pleadings and documents in this case, together with the Report and Recommendation, this Court determines that the Magistrate Judge's Order was neither clearly erroneous nor contrary to law, and therefore the following order is entered:

23rd
AND NOW, this 23 rd day of January, 2012,

IT IS HEREBY ORDERED that the Complaint is DISMISSED with prejudice;

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 26) dated December 16, 2011, is ADOPTED as the Opinion of the Court;

IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Donetta W. Ambrose
Donetta W. Ambrose
United States District Judge

cc:

Darien Houser
GL-7509
175 Progress Drive
Waynesburg, PA 15370